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Filed October 24, 2000  
Underseal

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IN THE UNITED STATES DISTRICT COURT  
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA	)	CRIMINAL CASE NO.
	)	
v.	)	<b>INFORMATION</b>
	)	
PRIMITIVO DUQUE CARLOS,	)	<b>CONSPIRACY TO RESTRAIN TRADE</b>
	)	[15 U.S.C. § 3][18 U.S.C. § 2]
Defendant.	)	
	)	
_____	)	

INFORMATION

The United States of America, acting through its attorneys,  
charges:

**CONSPIRACY TO RESTRAIN TRADE** [15 U.S.C. § 3] [18 U.S.C. § 2]

DESCRIPTION OF THE OFFENSE

1. **PRIMITIVO DUQUE CARLOS** is hereby made a defendant on the charge stated below.
2. Beginning as early as December 17, 1997 and continuing at least until July 17, 1998, the exact dates being unknown to the United States, the defendant and co-conspirators entered into and engaged in a combination and conspiracy to rig price

1 quotations for a contract with the Territorial Government of Guam's Department of  
2 Parks and Recreation ("DPR") to repair damage done by Typhoon Paka to the Agaña  
3 Tennis Court and Paseo de Susanna ("the Typhoon Damage Repair Contract"), in  
4 unreasonable restraint of territorial trade and commerce in violation of the Sherman  
5 Antitrust Act, Title 15, United States Code, Section 3, and Title 18, United States  
6 Code, Section 2.

#### 7 THE DEFENDANT AND THE CO-CONSPIRATORS

8 3. During the period covered by this Information, **PRIMITIVO DUQUE CARLOS**  
9 was a resident of the Territory of Guam and a citizen of the United States of America.

10 4. Various individuals and corporations, not made defendants in this Information,  
11 participated as co-conspirators in the offense charged herein, and performed acts and  
12 made statements in furtherance thereof.

#### 13 AIDING AND ABETTING

14 5. Defendant **PRIMITIVO DUQUE CARLOS** aided, abetted, counseled,  
15 commanded, induced, and procured the combination and conspiracy; and willfully  
16 caused others to perform acts and make statements in furtherance of the combination  
17 and conspiracy.

#### 18 THE CONSPIRACY

19 6. The charged combination and conspiracy consisted of an agreement,  
20 understanding, and concert of action, among the defendant and co-conspirators, the  
21 substantial term of which was to rig price quotations to be offered for the Typhoon  
22 Damage Repair Contract.

23 7. For the common purpose of forming and carrying out the charged combination  
24 and conspiracy, the defendant and co-conspirators did those things which they  
25 combined and conspired to do. Among other things, they:

26 ///

- a. discussed price quotations on the upcoming Typhoon Damage Repair Contract;
- b. agreed on the price quotations they would submit on the Typhoon Damage Repair Contract;
- c. submitted artificially high, non-competitive amounts in their price quotations offered for the Typhoon Damage Repair Contract;
- d. performed work required by the Typhoon Damage Repair Contract at artificially high, non-competitive prices and received compensation therefor; and
- e. distributed the proceeds from the Typhoon Damage Repair Contract among themselves and to a co-conspirator who was an official of the Government of Guam.

COMMERCE

8. During the period covered by this Information, the activity that was the object of the conspiracy was within the flow of, and substantially affected, commerce in the Territory of Guam, in that the Typhoon Damage Repair Contract was offered, quoted, awarded, performed, and paid for in the Territory of Guam.

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JURISDICTION AND VENUE

9. The combination and conspiracy charged in this Information was formed and carried out, in part, within the District of Guam, within five years preceding the return of this Information.

ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 3, AND  
TITLE 18, UNITED STATES CODE, SECTION 2.

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/s/  
A. Douglas Melamed  
Acting Assistant Attorney General

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/s/  
Christopher S Crook  
Chief, San Francisco Field Office

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/s/  
James M. Griffin  
Deputy Assistant Attorney General

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/s/  
Richard B. Cohen  
Trial Attorney

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/s/  
Scott D. Hammond  
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/s/  
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